

## **REMARKS**

By this amendment, Applicants makes minor amendments to claim 1 and to claim 25 to indicate that the fluorescent nanoparticles described and claimed in the present application are quantum dots and to make these claims more proper under US form. Support for this amendment can be found, for example, on pages 1 and 11 of the specification of the present application. Claims 1-17 and 19-25 are thus currently under examination in the present application. For the reasons set forth below, Applicants submit that the present amendments and arguments place this application in condition for immediate allowance.

In the Office Action dated April 2, 2008, the Examiner rejected claims 1-6 and 22-25 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,417,961 to Nearn, et al. The Examiner further rejected claims 1, 3, 7-17 and 19-25 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,319,426 to Bawendi, et al. For the reasons set forth below, Applicants respectfully traverse the Examiner's rejections and request that they be withdrawn.

By virtue of the present amendments, the claims of the present application are now directed toward a make-up composition comprising, as the pigment, cosmetically acceptable fluorescent semiconductor nanoparticles in a cosmetic vehicle, where the fluorescent semiconductor nanoparticles are quantum dots. In contrast to the present invention, the references cited by the Examiner in the present Office Action do not teach or suggest compositions comprising quantum dots, as fluorescent semiconductor nanoparticles, which are used as a pigment in a make-up composition. Instead, the Nearn reference merely describes a sunscreen

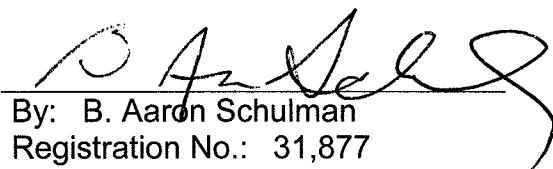
composition comprised of zinc oxide and does not contain a single reference to quantum dots or uses thereof. Furthermore, the Bawendi reference simply describes water soluble nanoparticles capable of fluorescence, and is totally unrelated to the use of fluorescent semiconductor particles as a pigment in a make-up composition. As such, neither of these references teaches or suggests using quantum dots as ingredients in a make-up composition.

Accordingly, Applicants respectfully submit that the present invention is not anticipated by the cited references and that the claims of the present application are clearly patentable over those references. Applicants thus submit that the Examiner's rejections on the basis of those references is respectfully traversed and should be withdrawn.

In light of the amendments and arguments provided herewith, Applicants submit that the present application overcomes all prior rejections and objections, and has been placed in condition for immediate allowance. Such action is respectfully requested.

Respectfully submitted,

Date: July 1, 2008

  
By: B. Aaron Schulman  
Registration No.: 31,877

**STITES & HARBISON PLLC** • 1199 North Fairfax St • Suite 900 • Alexandria, VA 22314  
TEL: 703-739-4900 • FAX: 703-739-9577 • CUSTOMER No. 000881